

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Jason W. Carter**  
Debtor(s)

Bankruptcy Case No.: 18-24646-CMB  
Per August 6, 2020 Proceeding  
Chapter: 13  
Docket No.: 44 – 40, 41  
Concil. Conf.: July 2, 2020 at 09:30 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated June 18, 2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$2,565.00 as of August, 2020. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Jul. 2, 2020 at 09:30 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☒ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.

Cavalry SPV I, LLC (Cl. #3) and Portfolio Recovery Associates, LLC (Cl. #10) secured claims not to be paid based on avoidance as provided for in plan (provided that avoidance action must still be prosecuted to successful conclusion.)

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

  
Carlota M. Böhm, Judge  
United States Bankruptcy Court

Dated: August 11, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Jason W. Carter  
 Debtor

Case No. 18-24646-CMB  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: dric  
 Form ID: 149

Page 1 of 2  
 Total Noticed: 31

Date Rcvd: Aug 11, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 13, 2020.

db +Jason W. Carter, 531 Madison Drive, Smithfield, PA 15478-1265  
 cr +CARRINGTON MTG SERV WILMINGTON SAVINGS, 1600 S. DOUGLASS RD., ANAHEIM, CA 92806-5948  
 14958399 +Apothaker Scian, 520 Fellowship Road--C306, Mount Laurel, NJ 08054-3410  
 14958404 +Citi Card, P.O. Box 6500, Sioux Falls, SD 57117-6500  
 14958405 +Credit Collections, USA, 16 Distributor Drive--Suite 1, Morgantown, WV 26501-0121  
 14958410 Phelan Hallinan Diamond & Jones, LLP, One Penn Center Plaza @ Suburban Station,  
 1617 John F. Kennedy Blvd.--Suite 1400, Philadelphia, PA 19103-1814  
 14958413 Santander Consumer USA, Attn: Bankruptcy Dept., P.O. Box 560284, Dallas, TX 75356-0284  
 15007621 +Santander Consumer USA Inc., P.O. Box 560284, Dallas, TX 75356-0284  
 14958414 +Sequium Asset Solutions, LLC, 1130 Northchase Parkway--Suite 150, Marietta, GA 30067-6413  
 14958415 Southwestern Endoscopy Center, 300 Spring Creek Lane--Lower Level, Uniontown, PA 15401-9069  
 14958417 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026  
 (address filed with court: Toyota Financial Services, P.O. Box 8026,  
 Cedar Rapids, IA 52408-8026)  
 14983013 +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013  
 15185277 +WILMINGTON SAVINGS, CARRINGTON MTG SERV, 1600 S. DOUGLASS RD., ANAHEIM, CA 92806-5948

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14958400 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Aug 12 2020 04:32:32 Capital One,  
 P.O. Box 30285, Salt Lake City, UT 84130-0285  
 14958401 +E-mail/Text: bankruptcy@capvs.com Aug 12 2020 04:31:31 Cavalry Portfolio Services,  
 P.O. Box 520, Valhalla, NY 10595-0520  
 14958402 +E-mail/Text: bankruptcy@capvs.com Aug 12 2020 04:31:31 Cavalry SPV I, LLC,  
 500 Summit Lake Drive--Suite 400, Valhalla, NY 10595-1340  
 14958406 E-mail/Text: G06041@att.com Aug 12 2020 04:31:34 Direct TV, P.O. Box 5007,  
 Carol Stream, IL 60197-5007  
 14985797 E-mail/Text: G06041@att.com Aug 12 2020 04:31:34 Directv, LLC,  
 by American InfoSource as agent, PO Box 5008, Carol Stream, IL 60197-5008  
 14958407 E-mail/Text: mrdiscen@discover.com Aug 12 2020 04:30:28 Discover, P.O. Box 30421,  
 Salt Lake City, UT 84130-0421  
 14961648 E-mail/Text: mrdiscen@discover.com Aug 12 2020 04:30:28 Discover Bank,  
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025  
 14958408 E-mail/Text: bknotice@ercbpo.com Aug 12 2020 04:31:20 Enhanced Recovery,  
 8014 Bayberry Road, Jacksonville, FL 32256-7412  
 14958403 E-mail/PDF: ais.chase.ebn@americaninfosource.com Aug 12 2020 04:32:53 Chase Home Finance,  
 Attn: Bankruptcy Department, 3415 Vision Drive, Columbus, OH 43219-6009  
 14986585 E-mail/PDF: ais.chase.ebn@americaninfosource.com Aug 12 2020 04:32:31  
 JPMorgan Chase Bank, National Association, Chase Records Center, Attn: Correspondence Mail,  
 Mail Code LA4-5555, 700 Kansas Lane, Monroe LA 71203  
 14958409 E-mail/PDF: gecsed@recoverycorp.com Aug 12 2020 04:32:28 Old Navy/Synchrony Bank,  
 Attn: Bankruptcy Department, P.O. Box 965003, Orlando, FL 32896-5003  
 14958411 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Aug 12 2020 04:43:42  
 Portfolio Recovery, 120 Corporate Boulevard--Suite 1, Norfolk, VA 23502  
 14988030 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Aug 12 2020 04:44:04  
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541  
 14990530 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Aug 12 2020 04:43:43  
 Portfolio Recovery Associates, LLC, POB 41067, Norfolk VA 23541  
 14959223 +E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Aug 12 2020 04:44:04  
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 14958412 E-mail/PDF: gecsed@recoverycorp.com Aug 12 2020 04:32:51 Sam's Club/Synchrony Bank,  
 Attention: Bankruptcy Department, P.O. Box 965060, Orlando, FL 32896-5060  
 14958416 +E-mail/Text: appebnmailbox@sprint.com Aug 12 2020 04:31:08 Sprint, P.O. Box 8077,  
 London, KY 40742-8077  
 14958418 E-mail/PDF: gecsed@recoverycorp.com Aug 12 2020 04:32:28  
 Toys R US Credit Card/Synchrony Bank, Bankruptcy Department, P.O. Box 965060,  
 Orlando, FL 32896-5060

TOTAL: 18

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr JPMORGAN CHASE BANK, NATIONAL ASSOCIATION  
 cr Toyota Motor Credit Corporation  
 cr\* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 14959931\* +Cavalry SPV I, LLC, 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321

TOTALS: 2, \* 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0315-2

User: dric  
Form ID: 149

Page 2 of 2  
Total Noticed: 31

Date Rcvd: Aug 11, 2020

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Aug 13, 2020

Signature: /s/Joseph Speetjens

---

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 11, 2020 at the address(es) listed below:

Daniel R. White on behalf of Plaintiff Jason W. Carter zmwchapter13@gmail.com,  
gianna@zeblaw.com;sheila@zeblaw.com;r63228@notify.bestcase.com  
Daniel R. White on behalf of Debtor Jason W. Carter zmwchapter13@gmail.com,  
gianna@zeblaw.com;sheila@zeblaw.com;r63228@notify.bestcase.com  
James Warmbrodt on behalf of Creditor Toyota Motor Credit Corporation bkgroup@kmlawgroup.com  
James Warmbrodt on behalf of Defendant Toyota Motor Credit Corporation  
bkgroup@kmlawgroup.com  
Jeremy J. Kobeski on behalf of Creditor JPMORGAN CHASE BANK, NATIONAL ASSOCIATION  
pawb@fedphe.com  
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 7